

## NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 07/09/2001  
Departmental Forms Clearance Officer  
Office of the Chief Information Officer  
14th and Constitution Ave. NW.  
Room 6086  
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of a revision of an information collection received on 04/30/2001.

TITLE: Alaska Region Gear Identification Requirements

AGENCY FORM NUMBER(S): None

ACTION : APPROVED

OMB NO.: 0648-0353

EXPIRATION DATE: 07/31/2004

BURDEN	RESPONSES	BURDEN HOURS	BURDEN COSTS
Previous	13,800	3,450	4
New	15,000	3,750	4
Difference	1,200	300	0
Program Change		300	0
Adjustment		0	0

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

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OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of  
Information and Regulatory Affairs

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# PAPERWORK REDUCTION ACT SUBMISSION

**Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request	2. OMB control number <span style="float: right;">b. <input type="checkbox"/> None</span> a. _____ - _____
3. Type of information collection ( <i>check one</i> ) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested ( <i>check one</i> ) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated  5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No  6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) ( <i>if applicable</i> )	
9. Keywords	
10. Abstract	
11. Affected public ( <i>Mark primary with "P" and all others that apply with "x"</i> ) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond ( <i>check one</i> ) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden ( <i>in thousands of dollars</i> ) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection ( <i>Mark primary with "P" and all others that apply with "X"</i> ) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting ( <i>check all that apply</i> ) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission)  Name: _____ Phone: _____

## 19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

**NOTE:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)

Signature



Date

4-10-01

Signature of NOAA Clearance Officer

Signature



Date

4/16/2001

Revision Request

SUPPORTING STATEMENT  
FOR  
ALASKA REGION GEAR IDENTIFICATION

**OMB Control No. 0648-0353**

Prepared by  
National Marine Fisheries Service  
Alaska Region



April, 2001

## **INTRODUCTION**

Fishing for groundfish by U.S. vessels in the exclusive economic zone (EEZ) of the BSAI and the GOA is managed by National Marine Fisheries Service (NMFS) according to Fishery Management Plans (FMPs) for groundfish prepared by the North Pacific Fishery Management Council (Council). The Council prepared FMPs for the following groundfish fisheries in the EEZ off Alaska: Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA FMP) and Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (BSAI FMP). These FMPs are implemented by regulations at 50 CFR part 679. General regulations that also pertain to these fisheries appear in subpart H of 50 CFR part 600.

## **PROPOSED REVISION OF REGULATIONS**

Changes to the gear identification requirements are presented in the proposed rule.

## **JUSTIFICATION**

### **1. Explain the circumstances that make the collection of information necessary.**

Requirements that fishing gear be marked are essential to facilitate fisheries enforcement and actions concerning damage, loss, and civil proceedings. The ability to link fishing gear to the vessel owner or operator is crucial to enforcement of regulations. The regulations at 679.24 specify that longline marker buoys must be marked with the vessel name, Federal permit number or registration number. The regulations further specify how the gear is to be marked, e.g., location and color. Law enforcement personnel rely on this information to assure compliance with fisheries management regulations. Gear that is not properly identified is confiscated.

This revision would extend requirements to mark identification information on marker buoys that currently apply only to longline gear to include also hook-and-line, longline pot, and pot-and-line gear. Most fishermen have their marker buoys properly identified and would not be adversely affected by this regulation. Fishermen affected by this regulation would incur the costs of marking their own marker buoys and legally would not be able to use another fisherman's marker buoys. State regulations (5 AAC 28.050) currently require crab and groundfish pots to carry the ADF&G registration number of the vessel operating the gear. Since many Pacific cod fishermen already participate in State groundfish and crab fisheries, they would already be subject to this requirement.

Marking of marker buoys reduces the costs to NOAA and USCG enforcement efforts and allows for more effective enforcement of gear rules.

### **2. Explain how, by whom, how frequently, and for what purpose the information will be used.**

The identifying number of fishing gear is used by the NMFS and the U.S. Coast Guard (USCG) in issuing violations, prosecutions, and other enforcement actions. Gear violations are more readily prosecuted, and this allows for more cost-effective enforcement. Cooperating fishermen also use the number to report placement or occurrence of gear in unauthorized areas. Regulation-compliant fishermen ultimately benefit as unauthorized and illegal fishing is deterred and more burdensome regulations are avoided.

### **3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

The requirement that fishing gear be marked with an identifying number does not lend itself to technology.

**4. Describe efforts to identify duplication.**

No other existing collection is duplicated.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

The collection does not have a significant impact on small businesses, and no special modifications of the requirements were considered necessary to accommodate the needs of small businesses.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

The NMFS and USCG could not enforce the fisheries management measures if the collection is not conducted or is conducted less frequently.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

No special circumstances require the collection to be conducted in a manner inconsistent with the OMB guidelines.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

The NMFS Alaska Region will submit a proposed rule for publication in the *Federal Register* simultaneously with this request. Since the rule addresses all the requirements, a separate Federal Register Notice for the renewal was not necessary.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

The NMFS Alaska Region will not provide any payment or gift to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy..**

There is no assurance of confidentiality provided. This is public information.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

This information collection does not involve information of a sensitive nature.

**12. Provide an estimate in hours of the burden of the collection of information.**

The additional requirement would increase the financial costs to a few small entities by extending requirements to mark identification information on marker buoys that currently apply only to longline gear to include also hook-and-line, longline pot, and pot-and-line gear. Most fishermen have their marker buoys properly identified and would not be adversely affected by this regulation. Fishermen affected by this regulation would incur the costs of marking their own marker buoys and legally would not be able to use another fisherman's marker buoys. State regulations (5 AAC 28.050) currently require crab and groundfish pots to carry the ADF&G registration number of the vessel operating the gear. Since many Pacific cod fishermen already participate in State groundfish and crab fisheries, they would already be subject to this requirement.

Of the 1,916 vessels using longline gear (many vessels fish in both the GOA and the BSAI), 1500 vessels each use an estimated 6 buoys (9,000 buoys @ .25 = 2,250 hrs); 400 vessels each use an estimated 12 buoys (4,800 buoys @ .25 = 1,200 hrs). Basically the definition of longline gear includes hook-and-line, so there is no increase for buoy marking seen with this gear.

It is difficult to know how many of the longline vessels also use pot gear; however, 254 catcher vessels and 13 catcher-processors also used pot gear. If we assume that 200 pot vessels were required to mark their buoys, it would result in an increase of 15 min. x 6 buoys x 200 vessels = 18,000 minutes/60 = 300 hours.

Total burden would then be 2,250 hours + 1,200 hours + 300 hours = 3,750 hours

The cost to fishermen is minimal. Labor costs probably range between \$10 and \$15 per hour. Personnel costs would therefore range from \$37,500 to \$56,250.



**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.**

The cost to fishermen is minimal. Materials needed are paint and paintbrush, or permanent ink applicator, and possibly a stencil. Cost for a brush and some paint = approximately \$2 per vessel. The cost for 2,116 vessels is estimated to be \$4,232.

**14. Provide estimates of annualized cost to the Federal government.**

There would be no Federal costs associated with this collection, because it is a marking requirement from which no information is received to process.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

This data collection currently refers to marking of longline marker buoys and will be revised to extend the requirement to include hook-and-line, longline pot, and pot-and-line gear, and would change “vessel’s registration number” to read “vessel’s ADF&G registration number”.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

The information collected will not be published, and no statistical sampling of the information is planned.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

Not Applicable.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

This information collection does not request exceptions to the certification statement.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistical methods.

§ 679.24

50 CFR Ch. VI (10–1–00 Edition)

(5) *Directed fishing for pollock in the Bering Sea subarea (applicable through July 19, 2000)*—(i) *Inshore, offshore catcher/processor, and mothership components and Pollock CDQ fisheries.* Subject to other provisions of this part, directed fishing for pollock by vessels catching pollock for processing by the inshore component, catcher/processors in the offshore component, and motherships in the offshore component in the Bering Sea subarea or directed fishing for pollock CDQ in the Bering Sea subarea is authorized only during the following two seasons:

(A) *A/B season.* From 1200 hours, A.l.t., January 20, through 1200 hours, A.l.t., June 10;

(B) *C/D season.* From 1200 hours, A.l.t., June 10, through 1200 hours, A.l.t., November 1;

(ii) [Reserved]

\* \* \* \* \*

(i) *Catcher vessel exclusive fishing seasons for pollock (applicable through July 19, 2000).* Catcher vessels are prohibited from participating in directed fishing for pollock under the following conditions. Vessels less than 125 ft (38.1 m) LOA are exempt from this restriction in area 620 east of 157°00' W. long. and area 630. BS and GOA seasons are provided at § 679.23(d)(3) and § 679.23(e)(4).

If you own or operate a catcher vessel and engage in directed fishing for pollock in the—	During the—	Then you are prohibited from subsequently engaging in directed fishing for pollock in the—
Bering Sea subarea .....	A/B season ..... C/D season .....	GOA until the following C season. GOA until the A season of the next year.
GOA .....	A season ..... B season ..... C season ..... D season .....	BSAI until the following C/D season. BSAI until the following C/D season. BSAI until the A/B season of the following year. BSAI until the A/B season of the following year.

§ 679.24 Gear limitations.

Regulations pertaining to vessel and gear markings are set forth in this section and as prescribed in the annual management measures published in the FEDERAL REGISTER pursuant to § 300.62 of chapter III of this title.

(a) *Marking of gear—longline marker buoys.* (1) All longline marker buoys carried on board or used by any vessel regulated under this part shall be marked with the following:

- (i) The vessel's name; and
- (ii) The vessel's Federal fisheries permit number; or
- (iii) The vessel's registration number.

(2) Markings shall be in characters at least 4 inches (10.16 cm) in height and 0.5 inch (1.27 cm) in width in a contrasting color visible above the water line and shall be maintained so the markings are clearly visible.

(b) *Gear restrictions—(1) Pots—Longline pot gear.* Any person using longline pot gear must treat any catch of groundfish as a prohibited species, except:

- (i) In the Aleutian Islands subarea.

(ii) While directed fishing for sablefish in the Bering Sea subarea, except as provided in paragraph (c)(4)(ii) of this section.

(2) *Net-sounder device.* Each person trawling in any GOA area limited to pelagic trawling under § 679.22 must maintain on that trawl a properly functioning, recording net-sounder device, and must retain all net-sounder recordings on board the fishing vessel during the fishing year.

(3) *Trawl footrope.* No person trawling in any GOA area limited to pelagic trawling under § 679.22 may allow the footrope of that trawl to be in contact with the seabed for more than 10 percent of the period of any tow, as indicated by the net-sounder device.

(4) *BSAI pollock nonpelagic trawl prohibition.* No person may use nonpelagic trawl gear to engage in directed fishing for non-CDQ pollock in the BSAI.

(c) *Gear restrictions for sablefish—(1) Gear allocations.* Gear allocations of sablefish TAC are set out under § 679.20.

(2) *GOA Eastern Area—(i) General.* (A) No person may use any gear other than

hook-and-line and trawl gear when fishing for sablefish in the GOA Eastern Area.

(B) No person may use any gear other than hook-and-line gear to engage in directed fishing for sablefish.

(ii) *Sablefish as prohibited species*—(A) *Trawl gear*. When operators of vessels using trawl gear have harvested 5 percent of the TAC for sablefish in the GOA Eastern Regulatory Area during any year, further trawl catches of sablefish must be treated as prohibited species as provided by § 679.21(b).

(B) *Other gear*. Operators of vessels using gear types other than those specified in paragraph (c)(2)(i) of this section in the GOA Eastern Regulatory Area must treat any catch of sablefish as a prohibited species as provided by § 679.21(b).

(3) *GOA Central and Western Areas; sablefish as prohibited species*. Operators of vessels using gear types other than hook-and-line and trawl gear in the GOA Central and Western Regulatory Areas must treat any catch of sablefish in these areas as a prohibited species as provided by § 679.21(b).

(4) *BSAI*. (i) Operators of vessels using gear types other than hook-and-line, longline pot, pot-and-line, or trawl gear in the BSAI must treat sablefish as a prohibited species as provided by § 679.21(b).

(ii) Longline pot gear is prohibited in directed fishing for sablefish from 0001 hrs, A.l.t., on June 1 until 1200 hrs, A.l.t., on June 30.

(d) *Trawl gear test areas*—(1) *General*. For purposes of allowing pelagic and nonpelagic trawl fishermen to test trawl fishing gear, NMFS may establish, after consulting with the Council, locations for the testing of trawl fishing gear in areas that would otherwise be closed to trawling.

(2) *Trawl gear testing*. For the purposes of this section, “trawl gear testing” means deploying trawl gear in areas designated in this paragraph (d) under the following conditions.

(i) The codend shall be unzipped while trawl gear testing.

(ii) Groundfish shall not be possessed on board when trawl gear testing.

(iii) Observers aboard vessels during the time spent trawl gear testing shall

not fulfill observer requirements at subpart E of this part.

(3) *Criteria*. The establishment of test areas must comply with the following criteria:

(i) Depth and bottom type must be suitable for testing the particular gear type.

(ii) The areas must be outside State waters.

(iii) The areas must be in locations not normally closed to fishing with that gear type.

(iv) The areas must be in locations that are not usually fished heavily by that gear type.

(v) The areas must not be within a designated Steller sea lion protection area at any time of the year.

(4) *Test areas*. Trawl gear testing is allowed in the following areas (Figure 7 to this part) bounded by straight lines connecting the coordinates in the order listed, at all times:

(i) *Kodiak Test Area*.

57°37' N. lat., 152°02' W. long.  
57°37' N. lat., 151°25' W. long.  
57°23' N. lat., 151°25' W. long.  
57°23' N. lat., 152°02' W. long.  
57°37' N. lat., 152°02' W. long.

(ii) *Sand Point Test Area*.

54°50' N. lat., 161°00' W. long.  
54°50' N. lat., 160°30' W. long.  
54°35' N. lat., 160°30' W. long.  
54°35' N. lat., 161°00' W. long.  
54°50' N. lat., 161°00' W. long.

(iii) *Bering Sea Test Area*.

55°00' N. lat., 167°00' W. long.  
55°00' N. lat., 166°00' W. long.  
54°40' N. lat., 166°00' W. long.  
54°40' N. lat., 167°00' W. long.  
55°00' N. lat., 167°00' W. long.

(e) *Seabird avoidance gear and methods for hook-and-line vessels fishing for groundfish*—(1) *Applicability*. The operator of a vessel that is required to obtain a Federal fisheries permit under § 679.4(b)(1) must comply with the seabird avoidance measures in paragraphs (e)(2) and (e)(3) of this section while fishing for groundfish with hook-and-line gear in the BSAI, in the GOA, or in waters of the State of Alaska that are shoreward of the BSAI and the GOA.

(2) The operator of a vessel described in paragraph (e)(1) of this section must conduct fishing operations in the following manner:

## § 679.25

## 50 CFR Ch. VI (10–1–00 Edition)

(i) Use hooks that when baited, sink as soon as they are put in the water.

(ii) If offal is discharged while gear is being set or hauled, it must be discharged in a manner that distracts seabirds from baited hooks, to the extent practicable. The discharge site on board a vessel must be either aft of the hauling station or on the opposite side of the vessel from the hauling station.

(iii) Make every reasonable effort to ensure that birds brought on board alive are released alive and that wherever possible, hooks are removed without jeopardizing the life of the birds.

(3) For a vessel greater than or equal to 26 ft (7.9 m) LOA, the operator of that vessel described in paragraph (e)(1) of this section must employ one

or more of the following seabird avoidance measures:

(i) Tow a streamer line or lines during deployment of gear to prevent birds from taking hooks;

(ii) Tow a buoy, board, stick or other device during deployment of gear, at a distance appropriate to prevent birds from taking hooks. Multiple devices may be employed;

(iii) Deploy hooks underwater through a lining tube at a depth sufficient to prevent birds from settling on hooks during deployment of gear; or

(iv) Deploy gear only during the hours specified below, using only the minimum vessel's lights necessary for safety.

### HOURS THAT HOOK-AND-LINE GEAR CAN BE DEPLOYED FOR SPECIFIED LONGITUDES ACCORDING TO PARAGRAPH (e)(3)(IV) OF THIS SECTION

[Hours are Alaska local time]

Calendar month	Longitude		
	Shoreward to 150°W	151 to 165°W	166 to 180°W
January .....	1800–0700	1900–0800	2000–0900
February .....	1900–0600	2000–0700	2100–0800
March .....	2000–0500	2100–0600	2200–0700
April .....	2100–0400	2200–0500	2300–0600
May .....	2200–0300	2300–0400	2400–0500
June .....	<sup>(1)</sup>	<sup>(1)</sup>	<sup>(1)</sup>
July .....	<sup>(2)</sup>	<sup>(2)</sup>	<sup>(2)</sup>
August .....	2200–0400	2300–0500	2400–0600
September .....	2000–0500	2100–0600	2200–0700
October .....	1900–0600	2000–0700	2100–0800
November .....	1800–0700	1900–0800	2000–0900
December .....	1700–0700	1800–0800	1900–0900

<sup>1</sup> This measure cannot be exercised during June.

<sup>2</sup> This measure cannot be exercised during July.

[61 FR 31230, June 19, 1996, as amended at 61 FR 35579, July 5, 1996; 61 FR 49077, Sept. 18, 1996; 62 FR 23183, Apr. 29, 1997; 63 FR 11167, Mar. 6, 1998; 64 FR 61970, 61982, Nov. 15, 1999; 65 FR 31107, May 16, 2000]

### § 679.25 Inseason adjustments.

(a) *General*—(1) *Types of adjustments*. Inseason adjustments issued by NMFS under this section include:

(i) Closure, extension, or opening of a season in all or part of a management area.

(ii) Modification of the allowable gear to be used in all or part of a management area.

(iii) Adjustment of TAC and PSC limits.

(iv) Interim closures of statistical areas, or portions thereof, to directed fishing for specified groundfish species.

(2) *Determinations*. (i) Any inseason adjustment taken under paragraphs (a)(1)(i), (ii), or (iii) of this section must be based on a determination that such adjustments are necessary to prevent:

(A) Overfishing of any species or stock of fish or shellfish;

(B) Harvest of a TAC for any groundfish species or the taking of a PSC limit for any prohibited species that, on the basis of the best available scientific information, is found by NMFS to be incorrectly specified; or

(C) transshipment or transportation of fish or fish products under permits issued pursuant to section 204;

(4) prohibit, limit, condition, or require the use of specified types and quantities of fishing gear, fishing vessels, or equipment for such vessels, including devices which may be required to facilitate enforcement of the provisions of this Act;

(5) incorporate (consistent with the national standards, the other provisions of this Act, and any other applicable law) the relevant fishery conservation and management measures of the coastal States nearest to the fishery;

(6) establish a limited access system for the fishery in order to achieve optimum yield if, in developing such system, the Council and the Secretary take into account--

(A) present participation in the fishery,

(B) historical fishing practices in, and dependence on, the fishery,

(C) the economics of the fishery,

(D) the capability of fishing vessels used in the fishery to engage in other fisheries,

(E) the cultural and social framework relevant to the fishery and any affected fishing communities, and

(F) any other relevant considerations;

(7) require fish processors who first receive fish that are subject to the plan to submit data (other than economic data) which are necessary for the conservation and management of the fishery;

(8) require that one or more observers be carried on board a vessel of the United States engaged in fishing for species that are subject to the plan, for the purpose of collecting data necessary for the conservation and management of the fishery; except that such a vessel shall not be required to carry an observer on board if the facilities of the vessel for the quartering of an observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer or the safe operation of the vessel would be jeopardized;

(9) assess and specify the effect which the conservation and management measures of the plan will have on the stocks of naturally spawning anadromous fish in the region;

(10) include, consistent with the other provisions of this Act, conservation and management measures that provide harvest incentives for participants within each gear group to employ fishing practices that result in lower levels of bycatch or in lower levels of the mortality of bycatch;

(11) reserve a portion of the allowable biological catch of the fishery for use in scientific research; and

(12) prescribe such other measures, requirements, or conditions and restrictions as are determined to be necessary and appropriate for the conservation and management of the fishery.

97-453, 104-297